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14
15 **UNITED STATES DISTRICT COURT**
16 **DISTRICT OF NEVADA**

17 CONAM CONSTRUCTION COMPANY, a
18 Texas corporation,

19 Plaintiff/Counter-Defendant,

20 vs.

21 FLORIDA CANYON MINING, INC., a
Delaware corporation,

22 Defendant/Counter-Plaintiff.
23

Case Number: 3:21-cv-00053-MMD-CSD

**AMENDED STIPULATION
AND ORDER
(FIRST REQUEST)**

24 Pursuant to the Court's order of March 4, 2022 (ECF No. 50), Plaintiff and Counter-
25 Defendant CONAM Construction Company ("CONAM") and Defendant and Counter-Plaintiff
26 Florida Canyon Mining, Inc. ("FCMI") (collectively, with CONAM, the "Parties") hereby
27 stipulate and agree, as follows:

28 ///

1 1. Since this lawsuit was filed on January 25, 2021, the Parties have completed
 2 substantial discovery, including the exchange of over 20,000 documents and multiple rounds of
 3 written discovery. Both Parties have also taken one deposition: CONAM's corporate
 4 representative, Daniel Chamberlain, was deposed on January 13, 2022, and FCMI's project
 5 manager, Joli Gray, was deposed on February 17, 2022. Additionally, both Parties have retained
 6 expert witnesses who have prepared affirmative and rebuttal reports.

7 2. The Parties believe that they have enough discovery to attempt a resolution of this
 8 dispute, while reserving rights to additional discovery in the event a resolution is not successful.
 9 Before continuing to expend more resources (both by the Parties and the Court) on the
 10 completion of discovery and trial preparations, the Parties believe it is prudent to attend
 11 mediation at this time.

12 3. The Parties have agreed to attend mediation on **April 13, 2022** and have agreed to
 13 use John P. Ahlers, of ACS Lawyers, as the mediator.

14 4. In order to facilitate the Parties' desires to attend mediation without incurring
 15 unnecessary litigation costs, the Parties respectfully request that this Court temporarily stay all
 16 future proceedings and remaining deadlines in this case until **May 13, 2022**, thirty days after the
 17 mediation is completed. This Stipulation would include a stay of the remaining case deadlines
 18 previously approved by Order issued February 10, 2022 (ECF No. 48):

Event	Deadline to be Stayed
Discovery Cut-Off	3-28-22
Dispositive Motions	4-11-22
Pretrial Order (Including Fed. R. Civ. P. 26(a)(3) Disclosures)	The later of 4-25-22 or thirty days after the Court's decision on all dispositive motions, if any
Trial	Not Yet Set

26 5. No later than **May 13, 2022** the Parties will provide a Joint Status Report to
 27 advise the Court of the outcome of the mediation.

28 a. If this matter is successfully resolved by mediation, the Parties will file a

1 Stipulation to Dismiss no later than 30 days after execution of the
 2 Settlement Agreement and payment of any settlement amount due
 3 thereunder.

4 b. If this matter is not resolved by mediation, the Parties will continue
 5 litigating this matter and will include a new proposed schedule of case
 6 deadlines in the Joint Status Report, or advise the Court of when
 7 mediation has been scheduled.

8 6. This is the Parties' first request for a stay of case deadlines.

9 7. By making the above stipulations, neither CONAM nor FCMI waives or
 10 abandons any claims or defenses available at law or in equity. The Parties hereby specifically
 11 reserve any and all claims or defenses available at law or in equity.

12 Dated this 14th day of March, 2022.

13 **LOCKE LORD LLP**

14 /s/ Chris Verducci

15 Chris Verducci, Esq.

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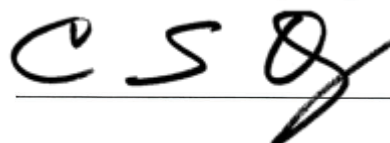
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Reno, NV 89501

ORDER

IT IS SO ORDERED.

The stipulations of the Parties as set forth above are hereby adopted by the Court.



UNITED STATES MAGISTRATE JUDGE

DATED: March 15, 2022